

HOUSE BILL No. 1787

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-43.

Synopsis: Economic development incentives. Allows a person to file a complaint with an entity that awarded an economic development incentive alleging that the recipient of the incentive has not complied with the wage and benefit levels that the recipient proposed or promised in order to obtain the incentive. Requires the entity that awarded the incentive to hold a public hearing and issue a written finding on the complaint. Provides that if the entity that awarded the incentive determines that the recipient of the incentive has not complied, the recipient forfeits the incentive unless the entity finds that the recipient was unable to comply because of the recipient's: (1) filing for bankruptcy; or (2) financial circumstances that reasonably prevented the recipient from complying.

Effective: July 1, 1999.

Liggett

January 26, 1999, read first time and referred to Committee on Commerce and Economic Development.



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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-43-3.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1999]: **Sec. 3.5. (a) A person may file a**
4 **complaint with an entity that awarded an economic development**
5 **incentive alleging that the recipient of the incentive has not**
6 **complied with the wage and benefit levels that the recipient**
7 **proposed or promised in order to obtain the incentive.**

8 **(b) Not more than thirty (30) days after the filing of a complaint**
9 **under subsection (a), the entity that awarded the economic**
10 **development incentive must hold a public hearing to consider all**
11 **evidence concerning the recipient's alleged failure to comply. The**
12 **entity that awarded the incentive must, not more than fifteen (15)**
13 **days after the hearing, issue written findings determining either:**

14 **(1) that the recipient has complied; or**
15 **(2) that the recipient has not complied;**
16 **with the wage and benefit levels that the recipient proposed or**
17 **promised in order to obtain the incentive.**



1 (c) If the entity that awarded the economic development
2 incentive determines in a hearing under subsection (b) that the
3 recipient of the incentive has not complied with the wage and
4 benefit levels that the recipient proposed or promised in order to
5 obtain the incentive, the recipient forfeits the incentive as of the
6 date of the determination unless the entity that awarded the
7 incentive also finds in the hearing under subsection (b) that the
8 recipient was unable to comply because of the recipient's:

9 (1) filing of a petition under the federal bankruptcy code; or

10 (2) financial circumstances that reasonably prevented the
11 recipient from complying.

12 SECTION 2. IC 6-1.1-43-4 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. If an economic
14 development incentive is forfeited under section 3 **or 3.5** of this
15 chapter, the economic development incentive may not be restored to
16 the recipient until the entity awarding the economic development
17 incentive determines that the recipient is in compliance with the
18 proposed or promised wage and benefit levels.

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